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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,525	08/19/2003	Candace Paine	65898/3	4488
1912	7590	08/06/2004	EXAMINER	
AMSTER, ROTHSTEIN & EBENSTEIN 90 PARK AVENUE NEW YORK, NY 10016			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 08/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/643,525

**Applicant(s)**

PAINE, CANDACE

**Examiner**

Alfred Joseph Wujciak III

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is the first Office Action for the serial number 10/643,525, REVERSIBLE PLATE HOLDER, filed on 8/19/03.

#### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12, lines 9 and 12, "said top cone" should be ---said top conical recess--- for clarification.

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Claim 15, lines 1-6, "rim of each of said first and second plates" is indefinite because "rim" and "plates" cite combination and subcombination problem. "Rim" and "plates" are not being positively cited in the preamble of claim 1.

Claim 16 recites the limitation "said top end" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 13-14 are rejected as depending on rejected claim 12.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-11 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 2,483,166 to Amberg.

Amberg teaches a holder comprising an annulus (figure 2) having axially spaced top (12) and bottom (10) edges of diameter D1 and D2 respectively and a neck part (located in immediate of top and bottom edges) of diameter D3 axially between the top and bottom parts. The D1 is greater than D2 and D2 is greater than D3. The top part has inner wall surfaces that define a

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truncated top cone (figure 1). The bottom part has inner wall surfaces that define an inverted truncated bottom cone generally coaxial with the top cone.

Amberg teaches all elements above but fails the holder is reversible. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have rotated the bottom edge to top and the top edge to bottom to provide support for supporting a smaller object thereon.

In regard to claims 2 and 6, Amberg teaches the top, bottom and neck parts defining a single cylindrical tube but fails to show that the cylindrical tube having generally uniform wall thickness, however in figure 5 of Amberg which is a different embodiment, shows that the cylindrical tube having generally uniform wall thickness. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Amberg's figure 1 with figure 5 to provide smooth surface in the cylindrical tube wall.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amberg in view of US Patent # 5,979,361 to Willinger.

Amberg teaches the annulus but fails to teach the annulus comprises injection molded plastic. Willinger teaches the annulus comprising injection molded plastic (claim 6, line 3). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Amberg's annulus with injection molded plastic as taught by Willinger to reduce cost in the manufacturing process.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amberg in view of US Patent # 6,484,989 to Connery.

Amberg teaches a holder comprising an annulus (figure 2) having axially spaced top (12) and bottom (10) edges of diameter D1 and D2 respectively and a neck part (located in immediate of top and bottom edges) of diameter D3 axially between the top and bottom parts. The D1 is greater than D2 and D2 is greater than D3. The top part has inner wall surfaces that define a truncated top cone (figure 1). The bottom part has inner wall surfaces that define an inverted truncated bottom cone generally coaxial with the top cone.

Amberg teaches all elements above but fails to teach the holder further includes a base for supporting the holder. Connery teaches a rectangular base (700) having circular opening (720) for supporting the holder. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added base to Amberg's holder as taught by Connery to provide additional protection to prevent the holder from slipping over.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # Des. 422,180 to Sundberg

US Patent # 1,829,664 to McKay

US Patent # 2,487,712 to Johnson et al.

US Patent # 2,509,133 to Carew

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US Patent # 2,610,492 to Carew

US Patent # 4,069,996 to Koziol

US Patent # 2,665,571 to Lohead

US Patent # 3,565,281 to Collie

US Patent # D448,619 to Pau

US Patent # 4,506,799 to Mason, Jr.

US Patent # D355,792 to White

US Patent # D167,667 to Babany

Sundberg, McKay, Johnson et al., Carew, Koziol, Lohead, Collie, Pau, Mason, Jr.,

White and Babany teach the reversible holder for supporting an object.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632

8/3/04

ASW



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER